


COUNTY OF YORK

MEMORANDUM

DATE: November 16, 1999 (BOS Mtg. 12/1/99)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator 

SUBJECT: Application No. ZT-42-99, York County Board of Supervisors

ISSUE

The Board of Supervisors, by adoption of Resolution R99-190, sponsored this application at its October 6 meeting as part of a two-pronged approach to help protect the architectural and aesthetic character of Yorktown. One part of the overall proposal is to consider the issue of establishing the "Yorktown Historic District" with its associated architectural review process. The second element, proposed in this application, would amend Section 24.1-327(b) of the Zoning Ordinance to require that new single family detached dwellings be approved in the same manner as all other uses in the YVA (Yorktown Village Activity District). In addition, this amendment proposes that any enlargement of a single-family detached dwelling be subject to approval by the Board of Supervisors by resolution. The procedures would provide an opportunity for review as to compatibility of size, scale and character of new or enlarged single-family detached dwellings. This amendment, if approved, would provide an "interim" measure of character protection during the more lengthy and involved process of considering and establishing the Historic District and architectural review process.

ANALYSIS

1. The creation of an historic district and the development of design guidelines were recommended by the 1989 *Focus on Yorktown Workshop* and included in the Yorktown Master Plan¹ that was adopted by the County's Board of Supervisors in 1993. The process of establishing an historic district and an architectural review board could be a lengthy process and will include the adoption of architectural design guidelines for historic Yorktown. It was the Board's concern that, in the interim, the historic area could be vulnerable to inconsistent development. Currently in the Yorktown Village Activity District, all new development requires a Planning Commission review and Board of Supervisors' approval, except for single family detached dwellings. If approved, this amendment would eliminate the exception and require the same approval process for new single family detached homes as for all other uses, thereby providing a more immediate opportunity to help protect Yorktown.
2. By amending Section 24.1-327(b) of the Zoning Ordinance, new single family detached dwellings would be subject to review and approval by the Planning Commission and Board of Supervisors in accordance with the same procedures used for processing special use permits. If approved, the amendment would give the Board

¹ Yorktown Master Plan, Adopted by the Board of Supervisors March 4, 1993, p.112.

of Supervisors an opportunity to review and approve the construction of single family dwellings to ensure its compatibility with the character of Yorktown and the Yorktown Master Plan. The amendment would also require that proposed enlargements or extensions of any single family dwelling be approved by resolution of the Board. Under the current regulations, the Zoning Administrator reviews and approves the construction of new single family detached dwellings and the enlargements or extensions of existing single family dwellings. Lastly, to correct an inconsistency between two sections in the current ordinance, the maximum height allowable for single family detached dwellings (as listed in subsection 5) is proposed to be amended to a maximum height of 35 feet unless the Board determines that a lesser height would be more compatible with the surrounding area.

3. In recognition of the Yorktown Master Plan and the Board's desire to enhance the historic area, the County has initiated several public improvements in Yorktown. These initiatives include the Riverwalk project, renovation of the old circuit courthouse, relocation of the post office, sidewalk improvements, beach erosion protection measures, etc. The by-product of these public improvements has been an increased awareness by the citizens of York County in the value of preserving the character of the historic area, which has been a long-term goal of the Board. One way to do so is to make certain that future development in Yorktown, including residential development, coincides with the Yorktown Master Plan and with the public improvement commitments made by the County.
4. If the Board ultimately decides to establish an historic district, the requirement that new single family dwellings be subject to approval by the Board could be re-evaluated. At that time, an architectural review board would be established and would be charged with reviewing all development to ensure its compatibility with a set of specific Yorktown design guidelines. That level of review could ultimately be determined sufficient to allow single family detached dwellings to again be permitted as a matter of right with administrative review.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at a public hearing conducted November 9, 1999, during which one citizen spoke in its support and no one voiced opposition. The Commission subsequently voted 6:0 (Mr. King absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

The impetus for this amendment originated out of the Board's concern that several parcels in Yorktown – some developed and some not – appear vulnerable to incompatible development with the historic character of the area. Most of the property in question is located in the Chischiak Watch and Buckner Street area of Yorktown and is well suited for residential development. In considering these issues, along with the Board's desire to establish an historic district, the first measure that seemed logical was to amend the Ordinance to give the Board an opportunity to review single family detached residential

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development to ensure its consistency with the historic area. Protecting the residential character of Yorktown is an integral part of the total commitment by the County to protect Yorktown, and by many other institutions that contribute to maintaining its historic nature.

I recommend approval, which can be accomplished through the adoption of Ordinance O99-16.

Baldwin/3495.ppl
Attachments

- Excerpts from unapproved Planning Commission Minutes, 11/9/99
- Sponsorship memo of zoning text amendments, 10/4/99
- Proposed Ordinance O99-16

COUNTY OF YORK

MEMORANDUM

Agenda Item: Added
Meeting Date: 10/6/99
Agenda Addition: _____
Sponsor: _____
Order of Business: _____

DATE: October 4, 1999 (BOS Mtg. 10/6/99)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator *DM*

SUBJECT: Sponsorship of Zoning Ordinance Text Amendment Applications

As requested by the Board at the September 29, 1999 work session, the following resolutions are provided for consideration:

- Proposed Resolution No. R99-189 initiates and sponsors an application to amend the York County Zoning Ordinance to establish the "Yorktown Historic District" and to adopt the associated Yorktown Design Guidelines, as contained in draft form in the report prepared by Land and Community Associates (dated 1997) and attached to my memorandum to the Board dated September 8, 1999. The proposed "Yorktown Historic District" is designed as an "overlay" district and would supplement the existing Yorktown Village Activity District (YVA) classification by providing an architectural review and approval process as enabled by the Code of Virginia. The proposed regulations call for the establishment of a five-member Architectural Review Board (to be appointed by the Board of Supervisors) that would be guided in its deliberations by the proposed Design Guidelines (also to be adopted by the Board of Supervisors). As discussed with the Board, the creation of an historic district and development of design guidelines was one of the recommendations that originated in the 1989 *Focus on Yorktown* workshop.
- Proposed Resolution No. R99-190 initiates and sponsors an application to amend Section 24.1-327. YVA - Yorktown Village Activity District - to provide that new single-family detached dwellings be approved in the same manner as all other uses in the district. As such, new single family dwellings would be subject to review and approval by the Planning Commission and Board of Supervisors. In addition, this amendment proposes that any enlargement of a single-family detached dwelling be subject to approval by the Board of Supervisors by resolution. The procedures would provide an opportunity for review as to compatibility of size, scale and character of new or enlarged single-family detached dwellings. Recognizing that the review and consideration of the Historic District/Architectural Design Guidelines may be a lengthy process, adoption of this proposed amendment would provide a more immediate opportunity to help protect the character of Yorktown. It should be noted that if the historic district and design guidelines proposal is eventually approved then the increased level of review for single family detached construction and expansion could be re-evaluated.

I recommend adoption of both resolutions.

Carter/3337:jmc

Excerpts
Unapproved Planning Commission Minutes
November 9, 1999

Application No. ZT-42-99, York County Board of Supervisors

Mr. Michael King presented a summary of the staff report to the Planning Commission dated October 29, 1999 and noted the staff recommendation to approve this application.

The Commission briefly discussed the future guidelines for architectural review within the YVA zoning district. It was discussed that the Yorktown Master Plan could serve as interim guide until consideration and adoption by the Board of formal architectural design guidelines. The staff confirmed that also is consistent with the Comprehensive Plan.

The Chair opened the public hearing.

Mr. Gary Freeman, 120 Ballard Street, supported adoption of the proposed revisions. Mr. Freeman said he expects such interim measures to provide adequate controls until guidelines are formally adopted and a citizen architectural review board is established to act as a resource "and not as a police force."

The public hearing was closed.

Mr. Lockwood, while he would prefer to have the historic district and guidelines in place before the Commission makes any recommendation, he felt that adoption is necessary to protect the sensitive nature of the area.

Mr. Hendricks opined that the way the Hilton Village commercial district evolved might be a good model for Yorktown.

Mr. Lockwood made a motion to adopt Resolution PC99-27 to recommend approval. It was passed by roll call vote of 6:3 (Mr. King absent), and reads:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-42-99 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1 - YORK COUNTY CODE) REVISING SECTION 24.1-327 TO REQUIRE THAT NEW OR ENLARGED SINGLE FAMILY DETACHED DWELLINGS IN THE YORKTOWN VILLAGE ACTIVITY (YVA) DISTRICT BE APPROVED IN THE SAME MANNER AS ALL OTHER NEW OR ENLARGED USES IN THE YVA DISTRICT

WHEREAS, Section 24.1-327, YVA-Yorktown village activity district, of the York County Zoning Ordinance does not subject proposals for new or enlarged single family detached dwellings in the Yorktown Village Activity District (YVA) to the same approval standards to which it subjects all other uses in the district; and

WHEREAS, the York County Board of Supervisors, at its meeting of October 6, 1999, adopted Resolution R99-190 to sponsor appropriate amendments to the Zoning Ordinance to address these concerns; and

WHEREAS, Application No. ZT-42-99 has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to said application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 9th day of November, 1999, that Application No. ZT-42-99 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation for approval of the following proposed amendments to Section 24.1-327 of the Zoning Ordinance:

Sec. 24.1-327. YVA-Yorktown village activity district.

(b) *Special procedural requirements.*

- (1) The use of any land or building within the YVA district on the date of the inclusion of such property in the district may either continue to be used for its then existing purpose or may thereafter be changed, but only in accordance with all applicable regulations, to accommodate any of the land uses listed in section 24.1-327(c), any provisions of article VIII, Nonconforming Uses, of this chapter to the contrary notwithstanding.
- (2) ~~Any proposed major enlargement or extension of any use, except single-family detached dwellings, in this district or any proposed new use, except single-family detached dwellings, shall be approved only by the board of supervisors in accordance with the procedures for special use permits in section 24.1-115 of this chapter, unless otherwise authorized by this section. For the purposes of this section, major enlargement or expansion shall be considered to be any proposal which would result in twenty five percent (25%) or more increase in either total lot coverage or floor area. Permitted land uses shall be those listed in section 24.1-327(c).~~
- (3) Proposed enlargements or extensions of any single-family detached dwelling may be authorized, without public hearing, by resolution of the board, use, except single-family detached dwellings, Proposed enlargement or extensions of any other use in this district which would result in an increase of less than twenty-five percent (25%) in either total lot coverage or floor area may be authorized, without public hearing, by resolution of the board. Proposed enlargement or expansion of any use other than a single-family detached dwelling that would result in an increase of twenty-five percent (25%) or more in either total lot coverage or floor area shall be subject to approval in accordance with the procedures for special use permits.
- (4) Proposed changes in use of land, buildings or structures within the district may be approved by the zoning administrator upon a determination that the

proposed new use is similar in type, size, scope and intensity to the previous use and that it is one of permitted uses listed in subsection (c) below. Where, in the opinion of the zoning administrator, such similarities do not exist, the proposal shall be subject to review and approval in accordance with the procedures for special use permits specified in section 24.1-115 of this chapter.

- (5) The construction of new single-family detached dwellings, or the enlargement of existing single-family detached dwellings, may be approved by the ~~zoning administrator~~board of supervisors provided that the proposed location is not within one of the areas specifically designated for commercial development by the adopted Yorktown master plan and that the following setback and dimensional requirements, or such other standards as the board deems necessary and appropriate, are observed:

Front Yard	Twenty-five feet (25') [7.5m]
Side Yard	Ten feet (10') [3m], five feet (5') [1.5m] for accessory buildings
Rear Yard	Twenty feet (20') [6m], five feet (5') [1.5m] for accessory buildings
Building Height	Forty feet (40') [12m] provided that dwelling units in excess of thirty five feet (35') [10.5m] comply with the requirements in Section 24.1-233. <u>Thirty-five feet (35') [10.5m], unless a lower height is deemed necessary to the board to ensure compatibility with the character of the surrounding area.</u>

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Room, York County Finance Building, Yorktown, Virginia, on the ____ day of ____, 1999:

Present

Vote

Sheila S. Noll, Chairman
James W. Funk, Vice Chairman
Walter C. Zaremba
Albert R. Meadows
Jere M. Mills

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-42-99 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) REVISING SECTION 24.1-327 TO REQUIRE THAT NEW OR ENLARGED SINGLE FAMILY DETACHED DWELLINGS IN THE YORKTOWN VILLAGE ACTIVITY (YVA) DISTRICT BE APPROVED IN THE SAME MANNER AS ALL OTHER NEW OR ENLARGED USES IN THE YVA DISTRICT

WHEREAS, Section 24.1-327, YVA -Yorktown village activity district, of the York County Zoning Ordinance does not subject proposals for new or enlarged single family detached dwellings in the Yorktown Village Activity District (YVA) to the same approval standards to which it subjects all other uses in the district; and

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-42-99 to amend Section 24.1-327, YVA - Yorktown village activity, of the York County Zoning Ordinance; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing for this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of _____, 1999, that Application No. ZT-42-99 be, and it is hereby, approved to amend the York County Zoning Ordinance as follows:

Sec. 24.1-327. YVA-Yorktown village activity district.

(b) *Special procedural requirements.*

- (1) The use of any land or building within the YVA district on the date of the inclusion of such property in the district may either continue to be used for its then existing purpose or may thereafter be changed, but only in accordance with all applicable regulations, to accommodate any of the land uses listed in section 24.1-327(c), any provisions of article VIII, Nonconforming Uses, of this chapter to the contrary notwithstanding.
- (2) ~~Any proposed major enlargement or extension of any use, except single-family detached dwellings, in this district or any proposed new use, except single-family detached dwellings, shall be approved only by the board of supervisors in accordance with the procedures for special use permits in section 24.1-115 of this chapter, unless otherwise authorized by this section. For the purposes of this section, major enlargement or expansion shall be considered to be any proposal which would result in twenty-five percent (25%) or more increase in either total lot coverage or floor area. Permitted land uses shall be those listed in section 24.1-327(c).~~
- (3) ~~Proposed enlargements or extensions of any single-family detached dwelling may be authorized, without public hearing, by resolution of the board use, except single-family detached dwellings. Proposed enlargement or extensions of any other use in this district which would result in an increase of less than twenty-five percent (25%) in either total lot coverage or floor area may be authorized, without public hearing, by resolution of the board. Proposed enlargement or expansion of any use other than a single-family detached dwelling that would result in an increase of twenty-five percent (25%) or more in either total lot coverage or floor area shall be subject to approval in accordance with the procedures for special use permits.~~
- (4) Proposed changes in use of land, buildings or structures within the district may be approved by the zoning administrator upon a determination that the proposed new use is similar in type, size, scope and intensity to the previous use and that it is one of permitted uses listed in subsection (c) below. Where, in the opinion of the zoning administrator, such similarities do not exist, the proposal shall be subject to review and approval in accordance with the procedures for special use permits specified in section 24.1-115 of this chapter.
- (5) The construction of new single-family detached dwellings, or the enlargement of existing single-family detached dwellings, may be approved by the ~~zoning administrator~~board of supervisors provided that the proposed location is not within one of the areas specifically designated for commercial development by the adopted Yorktown master plan and that the following setback and dimensional requirements, ~~or such other standards as the board deems necessary and appropriate,~~ are observed:

Front Yard	Twenty-five feet (25') [7.5m]
Side Yard	Ten feet (10') [3m], five feet (5') [1.5m] for accessory buildings
Rear Yard	Twenty feet (20') [6m], five feet (5') [1.5m] for accessory buildings
Building Height	Forty feet (40') [12m] provided that dwelling units in excess of thirty-five feet (35') [10.5m] comply with the requirements in Section 24.1-233. <u>Thirty-five feet (35') [10.5m], unless a lower height is deemed necessary to the board to ensure compatibility with the character of the surrounding area.</u>
